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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 09/816,901 | 03/23/01 | MUHICH | T G422 |

RICHARD W. GOLDSTEIN
2071 CLOVE ROAD
STATEN ISLAND NY 10304

PM92/1011

EXAMINER

THOMPSON, H

ART UNIT

PAPER NUMBER

3634

DATE MAILED:


10/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

| | |
|--------------------------------------|-------------------------------------|
| Application No. 09/816,901 | Applicant(s) Muhich, Tony |
| Examiner Hugh B. Thompson | Art Unit 3634 |



The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Reply

EXTENDED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM MAILING DATE OF THIS COMMUNICATION.

Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If the period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). A reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any unexpired patent term adjustment. See 37 CFR 1.704(b).

Responsive to communication(s) filed on Mar 23, 2001

This action is **FINAL**.

2b) ☒ This action is non-final.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Situation of Claims

☒ Claim(s) 1-7 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-7 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

☐ The specification is objected to by the Examiner.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

3) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

5) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

1) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anthony et al #6,196,354. Anthony et al disclose a tree stand assembly comprised of seat 14, platform 16, angle adjustment member 64, which is received within a bracket assembly 60, securing chain C, and pivoting frame member 12. Anthony et al fail to disclose a telescopic seat and and telescopic frame standoffs.

3. A telescopic seat, as well as telescopic frame standoffs, is no more than an obvious design choice not expected to produce any new and unexpected results. Therefore, to one of ordinary skill in the art, it would have been obvious to provide the tree stand of Anthony et al, with telescopic features so as to permit vertical seat adjustability and horizontal frame adjustability relative to a tree.

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fast #5,927,437, and Beechler 35,339,922 are cited to teach tree stands.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Hugh B. Thompson whose telephone number is (703) 305-0102. The examiner can normally be reached on Monday thru Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for this Group is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Hugh B. Thompson

October 1, 2001

HB



Alvin Chin-Shue
Primary Examiner